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Arizona Corporation Commission

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FEB 23 2005

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KD

FENNEMORE CRAIG
A Professional Corporation
Jay L. Shapiro (No. 014650)
3003 North Central Avenue
Suite 2600
Phoenix, Arizona 85012
Telephone (602) 916-5000

Attorneys for Johnson Utilities Company

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES COMPANY FOR
AN EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR WATER SERVICE.

DOCKET NO. WS-02987A-04-0869

**PROOF OF PUBLICATION AND
CERTIFICATION OF MAILING TO
PROPERTY OWNERS**

Pursuant to the January 13, 2005 Procedural Order, Johnson Utilities Company ("Applicant"), an Arizona public service corporation, hereby submits this Proof of Publication and Certification of Mailing in the above-captioned matter.

On February 10, 2005, legal public notice was published in The Tribune. The affidavit of Susan Pacholke of The Tribune is attached hereto as Exhibit 1. Applicant also served notice to three property owners within the requested extension area, copies of which are attached hereto as Exhibit 2. However, Applicant's counsel did not mail these three notices until February 22, 2005. The deadline for providing such notice was February 11, 2005.

Two of the property owners, Wolfcor, LLC and Wolfkin Farms Partnerships, have requested service from Applicant, and have been aware of the publication on the application from the outset. These parties were also made aware of the schedule established in the January 13, 2005 Procedural Order. Applicant has also informed the third property owner, Salt River Project ("SRP"), that it will not oppose any intervention request on SRP's behalf made after the March 11, 2005 deadline due to counsel's administrative error.

1 DATED this 23rd day of February, 2005.

2 FENNEMORE CRAIG, P.C.

3
4 By: 

Jay L. Shapiro
Attorneys for Johnson Utilities Company

5 ORIGINAL and 13 copies delivered this
6 23rd day of February, 2005, to:

7 Docket Control
8 Arizona Corporation Commission
9 1200 West Washington Street
Phoenix, Arizona 85007

10 COPY hand-delivered this 23rd day of January, 2005:

11 Dwight Nodes
12 Assistant Chief Administrative Law Judge
13 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

14 Jason Gellman, Esq.
15 Legal Division
16 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

17 AND A COPY mailed this 23rd day of February, 2005 to:

18 William P. Sullivan, Esq.
19 David M. Lujan, Esq.
20 Curtis, Goodwin, Sullivan, Udall & Schwab
2712 N. 7th St.
Phoenix, AZ 85006
Attorneys for Diversified Water Utilities, Inc.

21
22 By: 

23 1639857,1/51239.010

EXHIBIT

1

Tribune

Legal Advertising
120 W. First Avenue Mesa, Arizona 85210
Phone(480) 898-6479 Fax (480) 898-6463
Affidavit of Publication

Account Number: 1471051

P.O. Number: NOTICE OF PUBLIC HEARING 51239.010

Invoice Number: 727688

Price: \$ 163.51

STATE OF ARIZONA
County of Maricopa

I, Susan Pacholke, Legal Representative, acknowledge that the attached ad was published in a newspaper of general circulation. The dates of the publication are as follows: FEB. 10, 2005.

The Tribune (East Valley & Scottsdale Editions)

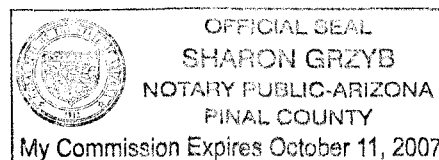
Susan Pacholke

Susan Pacholke, Legal Representative

STATE OF ARIZONA
COUNTY OF MARICOPA

On FEB. 10, 2005, Susan Pacholke personally appeared before me, whom I know personally to be the person who signed the above document and he/she proved he/she signed it.

Sharon Grzyb
NOTARY PUBLIC



**PUBLIC NOTICE OF HEARING ON THE
APPLICATION OF JOHNSON UTILITIES
COMPANY FOR AN EXTENSION OF ITS
CERTIFICATE OF
CONVENIENCE AND NECESSITY
(WS-02987A-04-0869)**

On December 3, 2004, Johnson Utilities Company ("Company") filed an application with the Arizona Corporation Commission ("Commission") for an extension of its Certificate of Convenience and Necessity ("CC&N") to provide wastewater service to an area encompassing a portion of the development known as Bella Vista, in Pinal County. If the application is granted, the Applicant would be the exclusive provider of water to the proposed area, and would be required by the Commission to provide service under rates and charges and terms and conditions established by the Commission. The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the offices of the Company, 5230 E. Shea Blvd. Suite 200, Scottsdale, AZ 85254.

The Commission will hold a hearing on this matter beginning on **April 18, 2005, at 10:00 am**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to the Applicants or its counsel, and to all parties of record, and which, at the minimum shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Applicants, a shareholder of the Applicants, etc.)
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicants or their counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before March 11, 2005. The granting of the intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. Failure to intervene will not preclude any potential customer from appearing at the hearing and making a statement on such person's own behalf. You will not, however, receive any further notice of proceeding unless requested by you.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931. E-mail Lhogan@admin.cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

FEB. 10, 2005/727688

EXHIBIT

2

LAW OFFICES
FENNEMORE CRAIG
A PROFESSIONAL CORPORATION

PATRICK J. BLACK

Direct Phone: (602) 916-5400
Direct Fax: (602) 916-5600
pblack@fclaw.com

OFFICES IN:
PHOENIX, TUCSON,
NOGALES, AZ; LINCOLN, NE
3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX, ARIZONA 85012-2913
PHONE: (602) 916-5000
FAX: (602) 916-5999

February 22, 2005

Salt River Project AG Improvement and Power District
Research and Communications
Mail Stop PAB363
P.O. Box 52025
Phoenix, Arizona 85072

Re: Application of Johnson Utilities Company
Parcel No. **210-13-001B3**

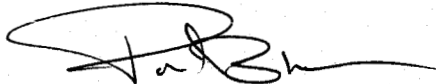
Dear Sir or Madam:

Enclosed please find a Public Notice concerning Johnson Utilities Company's pending application before the Arizona Corporation Commission ("Commission"). Johnson Utilities Company has applied to the Commission to include your property within its water and wastewater service area. A hearing on this matter will be held on April 18, 2005, at 10:00 a.m. in the Commission's hearing room located at 1200 West Washington Street, Phoenix, Arizona 85007.

Johnson Utilities was required by procedural order of the Commission to provide all property owners within the requested area the enclosed Public Notice. Although the deadline for intervention in this matter is March 11, 2005, Johnson Utilities Company will not oppose any post-deadline request to intervene by SRP that may occur as a result of this administrative error.

Should you have any questions, please do not hesitate to call me at (602) 916-5400. Thank you for your time in this matter.

Very truly yours,



Patrick J. Black

PBLA/clv

Enclosure

cc: Brian Tompsett, Johnson Utilities Company

PUBLIC NOTICE OF HEARING ON THE
APPLICATION OF JOHNSON UTILITIES COMPANY
FOR AN EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY
(WS- 02987A-04-0869)

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PHOENIX, TUCSON,
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3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX, ARIZONA 85012-2913
PHONE: (602) 916-5000
FAX: (602) 916-5999

February 22, 2005

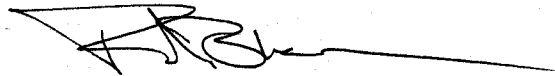
Wolfkin Farms Partnership
Wolfcor, LLC
3850 E. Baseline Road 123
Mesa, Arizona 85206

Re: Application of Johnson Utilities Company

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Very truly yours,



Patrick J. Black

PBLA/clv
Enclosure

1639832.1/51239.010

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